



Order Filed on August 18, 2023  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

**NORGAARD O'BOYLE & HANNON**

**Karl J. NORGAARD, ESQ. (KN 4764)**

knorgaard@norgaardfirm.com

184 Grand Avenue

Englewood, New Jersey 07631

(201) 871-1333

*Attorneys for Debtors*

In Re:

**Hashim Syed and Nighat Syed,**

Debtors.

Chapter 13

Case No. 22-17137(VFP)

Hearing Date: August 17, 2023

Time: 10:00am

**CONSENT ORDER AUTHORIZING SALE OF PROPERTY, ALLOWING LEGAL FEES  
AND ALLOWING BROKERS' COMMISSION**

The relief set forth on the following pages, numbered (2) through (5), is hereby  
**ORDERED.**

**DATED: August 18, 2023**

A handwritten signature in black ink, appearing to read "Vincent F. Papalia".

Honorable Vincent F. Papalia  
United States Bankruptcy Judge

Debtor: **Hashim Syed and Nighat Syed,**

Case No. 22-17137 (VFP)

CONSENT ORDER AUTHORIZING SALE OF PROPERTY, ALLOWING LEGAL FEES AND  
ALLOWING BROKERS' COMMISSION

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THIS MATTER came to the attention of the Court upon the motion of the Debtor for an Order Authorizing the Sale of certain Real Property and Allowing Legal Fees and Broker's Commission. The Parties having agreed to the terms of this order on notice to all creditors and parties in interest, and good cause having been shown:

It is ORDERED as follows:

1. Pursuant to 11 U.S.C. Sec. 363(b), et seq. and 11 U.S.C. section 363(f), the Debtor is authorized to sell the real property commonly known as 54 Saw Mill Road, Kinnelon, New Jersey 07405 (the "Property"), to Christopher and Katheryn Loayza ("Purchasers") under the contract signed by the Debtor and Purchasers for the sum of \$1,125,000.00, which includes a \$15,000.00 Seller credit free and clear of liens, claims and encumbrances, with valid liens, claims and encumbrances to attach to the proceeds of sale in the same order of priority as presently exists.

2. At closing, the Debtors shall pay:

- a. the secured claim held by Am/West Funding Corp. in full;
- b. broker's commission of 5% of which the Debtor is permitted to retain \$10,000 of this amount per agreement with Broker, and which shall reduce the amount of the Debtor's 11 U.S.C. § 522(d)(1) exemption claim;
- c. customary closing costs up to \$300;
- d. Norgaard, O'Boyle & Hannon may be paid \$2,000.00 at closing as attorney for Debtor;
- e. the remaining proceeds shall be held in the trust account of the debtor's

attorney and not released until further order of the Court.

3. At closing, the Debtor shall not be required to pay the judgment held by Sola Realty, LLC as this claim will be determined and only paid pending further order of the Court.

4. The sale is deemed exempt from payment of a realty transfer fee or tax pursuant to the provisions of 11 U.S.C. §§ 363 and 1303 and pursuant to *N.J.S.A.* 46:15-10(g)..

5. Pursuant to 11 U.S.C. §§ 328(a) and 503(b)(1), the Debtor has moved to appoint Scott Cowan of Keller Williams Town Realty and the Court has granted their request via Order entered on April 18, 2023 (Doc. 94-1). The proposed brokers commission for this sale is 5% of the sale price, which shall be taken from the gross sales proceeds of the sale and distributed at closing.

6. Pursuant to 11 U.S.C. §§ 328(a) and 503(b)(1), the Debtor has moved to appoint Karl J. Norgaard, Esq. as closing counsel to the Debtor in connection with the sale of the Property. The proposed counsel fee of \$2,000.00 shall be paid at Closing.

7. The funds described in Paragraphs 2 and 5, above, shall be tendered at the closing of title and therefore, outside of the Debtor's chapter 13 plan.

8. The Debtor Hashim Syed's right to an exemption pursuant to 11 U.S.C. section 522(d)(1) in the amount of \$27,900.00 shall not be paid at closing but rather shall be determined by further order of the Court. In no event shall the Debtor be entitled to receive more than \$27,900.00 from sale proceeds based on his exemption, if any, pursuant to 11 U.S.C. section 522(d)(1).

9. All of the Debtor's interest in non-exempt proceeds from the sale of the Property shall be held in escrow by the Debtor's attorney and not released until further order of the Court.

10. The Debtor shall continue to make plan payments as per his proposed plan, subject

to any future modifications as permitted by the Court.

11. As a result of the Sale, the Debtor will have a reduction of his monthly income and expenses and as such a modified plan will need to be filed to reflect the new monthly income and expenses. Debtor shall file amended schedules I & J and an Amended Chapter 13 plan within 45 days of the completion of the Sale.

12. The stay set forth in Rules 4001(a)(3) and 7062 of the Federal Rules of Bankruptcy shall not apply to this Order and the Order shall be effective immediately.

13. Notwithstanding Bankruptcy Rule 6004(h) this Order is effective immediately upon entry.

*The undersigned hereby consent to  
the form and entry of the within Order:*

**MELLINGER KARTZMAN LLC**  
*Attorneys for Trustee Charles M. Forman*

**NORGAARD, O'BOYLE & HANNON**  
*Attorneys for Debtors, Hasham R. Syed and  
Nighat A. Syed*

By: /s/ Steven Jayson  
STEVEN JAYSON, ESQ.  
Dated: August 10, 2023

By: /s/ Karl J. Norgaard  
KARL J. NORGAARD, ESQ.  
Dated: August 10, 2023

**SHAPIRO, CROLAND, REISER, APFEL  
& DIIRIO, LLP**  
*Attorneys for Sola Realty, LLC*

**SCURA, WIGFIELD, HEYER, STEVENS &  
CAMMORATA, LLP**  
*Attorneys for Amzad Mursalim*

By: /s/ John Di Iorio  
JOHN DIORIO, ESQ.  
Dated: August 10, 2023

By: /s/ David Stevens  
DAVID STEVENS, ESQ.  
Dated: August 10, 2023, 2023

**MARIE-ANN GREENBERG**  
*Joseph Petrolino on behalf of Marie Ann  
Greenberg Chapter 13 Trustee*

By: /s/ Joseph Petrolino  
Dated: August 10, 2023

In re:  
Hasham R. Syed  
Nighat A. Syed  
Debtors

Case No. 22-17137-VFP  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-2  
Date Rcvd: Aug 18, 2023

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 20, 2023:

Recip ID	Recipient Name and Address
db/jdb	+ Hasham R. Syed, Nighat A. Syed, 54 Saw Mill Road, Kinnelon, NJ 07405-3228

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 20, 2023

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 18, 2023 at the address(es) listed below:

Name	Email Address
David L. Stevens	on behalf of Creditor Amzad Mursalim dstevens@scura.com ecfbkfilings@scuramealey.com;pevangelista@scura.com;amurphy@scura.com;vmajano@scura.com;jromero@scura.com;sduarte@scura.com;spereyra@scura.com;14518@notices.nextchapterbk.com;dwoody@scura.com
Denise E. Carlon	on behalf of Creditor AmWest Funding Corporation dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
John P. Di Iorio	on behalf of Creditor Sola Realty LLC jdiiorio@shapiro-croland.com
Judah B Loewenstein	on behalf of Creditor Charles M. Forman as Ch. 7 Trustee for Prestige America Mfg Corp. jloewenstein@msklaw.net, sjayson@msklaw.net;pmasiello@msklaw.net;donnaz@msklaw.net
Karl J. Norgaard	

District/off: 0312-2

User: admin

Page 2 of 2

Date Rcvd: Aug 18, 2023

Form ID: pdf903

Total Noticed: 1

on behalf of Joint Debtor Nighat A. Syed knorgaard@norgaardfirm.com  
sferreira@norgaardfirm.com;kcimmino@norgaardfirm.com;dtakach@norgaardfirm.com;crose@norgaardfirm.com

Karl J. Norgaard

on behalf of Debtor Hasham R. Syed knorgaard@norgaardfirm.com  
sferreira@norgaardfirm.com;kcimmino@norgaardfirm.com;dtakach@norgaardfirm.com;crose@norgaardfirm.com

Karl J. Norgaard

on behalf of Plaintiff Hasham R. Syed knorgaard@norgaardfirm.com  
sferreira@norgaardfirm.com;kcimmino@norgaardfirm.com;dtakach@norgaardfirm.com;crose@norgaardfirm.com

Marie-Ann Greenberg

magecf@magtrustee.com

Rebecca K. McDowell

on behalf of Creditor MMG Investments III LLC as assignee of CL45 MW Loan 1, LLC rmcdowell@slgcollect.com,  
anovoa@slgcollect.com

Steven A. Jayson

on behalf of Creditor Charles M. Forman as Ch. 7 Trustee for Prestige America Mfg Corp. sjayson@msklaw.net,  
jloewenstein@msklaw.net;donnaz@msklaw.net;pmasiello@msklaw.net

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 11